



LAKE COUNTY

FLORIDA

LAKE COUNTY BOARD OF ADJUSTMENT

December 11, 2014



LAKE COUNTY FLORIDA

MEETING INFORMATION

Location & Time

Lake County Commission
Chambers
2nd Floor, County
Administration Building
315 West Main Street
Tavares, FL 32778-7800
1:00 p.m.

Board of Adjustment Members

Donald R. Schreiner,
Chairman (At-Large
Representative)

Catherine Hanson, (At-
Large Representative)

Marie Wuenschel (District
1)

Peter Caracciolo (District 2)

Phyllis Luck (District 3)

Lloyd M. Atkins, Jr.
(District 4)

Craig Covington, Vice-
Chairman (District 5)

BOARD OF ADJUSTMENT

AGENDA DECEMBER 11, 2014

The Board of Adjustment reviews applications that have been submitted for a variance to the Land Development Regulations; they approve or deny the applications based upon staff reports and evidence submitted during the hearing, taking into consideration the applicant's and other testimony in favor or against the request, in accordance with section 14.15.00 of the Land Development Regulations.

The Board of Adjustment meetings are held the second Thursday of each month.

Board of County Commissioners

Timothy I. Sullivan	District 1
Sean Parks, Vice Chairman	District 2
Jimmy Conner, Chairman	District 3
Leslie Campione	District 4
Welton G. Cadwell	District 5

County Staff

David Heath, County Manager
Melanie Marsh, Deputy County Attorney

Growth Management Department Staff

Amye King, AICP, Director, Department of Growth Management
Chris Schmidt, Manager, Division of Planning & Community Design
Steve Greene, AICP, Chief Planner, Division of Planning & Community Design
Janie Barron, Planner, Division of Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Division of Planning & Community Design

For any questions, comments, or concerns, please contact the Planning & Community Design Division at (352) 343-9641 or email zoning@lakecountyfl.gov.

All oral and written communication between Board Members and the Public concerning a case are prohibited by Florida Law unless made at the Public Hearing.

If any person decides to appeal any decision made by the Board, a record of the proceedings will be needed. For purposes of appeal, the record of proceedings should be a verbatim record of all proceedings which take place and should include the testimony and evidence upon which any appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of Facilities and Capital Improvement at (352) 343-9760, 48 hours in advance of the scheduled meeting.

Board of Adjustment

December 11, 2014

1:00 p.m.

- I. Call to Order
- II. Minutes Approval – September 11, 2014
- III. Public Comment
- IV. Public Hearings

CONSENT AGENDA

REGULAR AGENDA

CASE NO.	OWNER(S)/APPLICANT(S) NAME	AGENDA NO.
BOA # 11-14-1	Paul and Cynthia Grimali	1

REQUESTED ACTION: Creation of buildable lots on 50-ft. of private easement adjoining Twin Lake Drive to allow for the creation of the lots with less than 150-feet of lot frontage per **Land Development Regulations, 3.10.00 & LDR 14.11.00. D.1.**

BOA# 13-14-4	Karla Sylvester
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REQUESTED ACTION: Variance from the **Land Development Regulations, 14.11.01.D.2** to allow the subject parcel to be split through the minor lot split process when the parcels being created will not front on a paved publicly maintained road.

V. OTHER BUSINESS

VI. Close

VARIANCE REQUEST
BOARD OF ADJUSTMENT
December 11, 2014

CASE NUMBER: BOA# 11-14-1

AGENDA ITEM #: 1

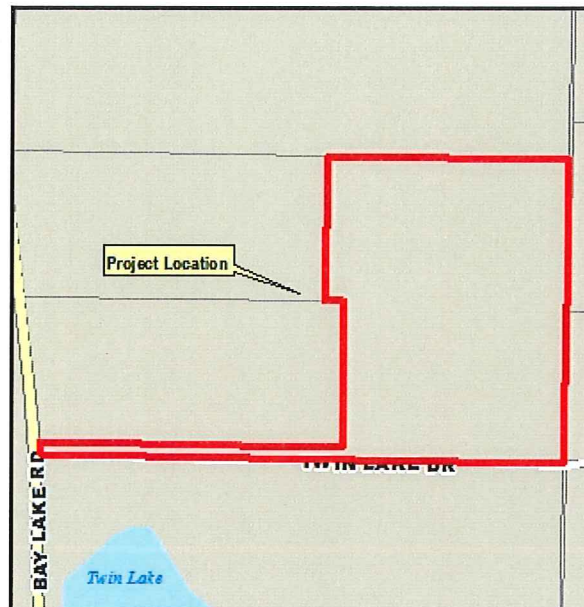
PROPERTY OWNER(S): Paul and Cynthia Grimaldi

APPLICANT(S): Elwood M. Obrig, Esq.

REQUESTED ACTION: The Property Owner requests a variance to the **Lake County Land Development Regulations Section 14.11.01.D.1 and 2 regarding Minor Lot Splits** to allow the subject parcel to be split through the minor lot split process when the parcels being created will not front on a paved publicly maintained road (+/- 20 acres); and LDR Section 3.10.00 for the creation of Agriculture lots with less than 150-feet of frontage.

GENERAL LOCATION: Groveland area – Bay Lake Road,

ALTERNATE KEY NUMBER: 1505411 (Sec. 4, Twp. 23, Rng. 24).



FUTURE LAND USE DESIGNATION: Green Swamp Rural Conservation, (1 dwelling per 10 net acres)

EXISTING ZONING: Agriculture (1 dwelling per 5 acres)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Green Swamp Rural Conservation (RC)	A (Agriculture) (1 du / 5 acres)	Undeveloped, Single-family residential dwelling (SFD) (1)
South	Green Swamp RC	A	Residential dwelling
East	Green Swamp RC	A	Undeveloped, wetlands, SFD (1)
West	Green Swamp RC	A	Undeveloped pasture

Property Posting: 11/26/2014 (2)

14.15.01 Purpose of Variances. In the strict application of uniformly applicable Land Development Regulations (LDR) The Board of County Commissioners (BCC) finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the LDR. The Board of Adjustment (BOA) is authorized to grant variances to requirements of the LDR when its application leads to unreasonable, unfair, and unintended results to the development and use of land. However, the variance must be consistent with the rules contained in these regulations. This Section does not authorize the BOA to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to allow uses not generally permitted in the applicable zoning district or any use expressly or by implication prohibited by the terms of the LDR for that zoning district. Additionally, the existence of nonconforming use of neighboring lands or un-permitted use of neighboring lands shall not be considered grounds for authorization of a variance.

14.15.02 Granting Variances and Appeals

Variances may be granted when the person subject to the LDR demonstrates that the purpose of the LDR will be or has been achieved by other means, and when application of a LDR would create a substantial hardship or would violate principles of fairness.

For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. The "principles of fairness" are violated when the literal application of a LDR affects a particular person in a manner significantly different from the way it affects other similarly situated persons or properties who are subject to the LDR.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

ANALYSIS: The Property Owner requests a variance to the **Lake County Land Development Regulations (LDR) Section 14.11.01.D.1 and 2 regarding Minor Lot Splits** to allow the subject parcel that has been previously split through the minor lot split process to be split again and in addition the parcels being created will not front on a paved publicly maintained road (+/- 20 acres); and LDR Section 3.10.00 for the creation of Agriculture lots with less than 150-feet of frontage. The LDR Section 14.11.01.D.1 & 2 states that only two lots may be created from the original legally created lot or lot of record. Original parcel means a lot legally created, on or before June 1, 1992, pursuant to the Lake County Code.

The minor lot split process was created to allow a parent parcel to be split, creating two parcels fronting on a publicly-maintained paved road (less than 20 acres in size). The intent of the LDR Section 14.11.01.D.2 is to ensure that properties being split have the facilities that are required for the development of parcels such as roads, schools, parks, fire, sewer and water facilities.

The parcel was created through the minor lot split process (MLS #2003-0065) in 2003. In September 2003, a variance (BOA #75-03-2) was submitted and approved allowing the owners to create three lots through the minor lot split process. The original parcel in 2003 was 73 acres in size. This parcel hereon referred to as the parent parcel is known as minor lot split #2003-0065 parcel #3, contains approximately 33.06 acres and has a 57 feet wide land strip along the southern property line that serves as Bay Lake Road (private road) access to the property from its connection to Twin Lake Drive on the west.

The parent parcel, known as Grimaldi Farms contains wetlands on the easterly side. A copy of the previously approved 2003 lot split survey is attached (Exhibit #1) and the current lot split request survey is attached (Exhibit #2). Based on staff review the newly created parcels will meet the minimum lot frontage of 150-feet for Agriculture zoned lots pursuant to LDR Section 3.10.00 as shown on the lot split survey (Exhibit #2).

The Federal Emergency Management Agency (FEMA) map shows that the parcel is located within 100-year flood zone, designed as zone "X".

APPLICANT HARDSHIP JUSTIFICATION

The applicants submitted the following justification to meet the **intent of the Code**:

"Owners seek to create a 10.478 lot from their 33.062 parcel to deed to their daughter and son-in-law both of whom now live in the home of the Owners but need to have their own homestead to raise their baby daughter and allow them to continue to work for the adjacent "Grimaldi Farms"."

PRINCIPALS OF FAIRNESS

The applicant submitted the following as evidence that the application of the LDR would create a **substantial hardship or would violate principles of fairness**:

"The privately maintained ingress and egress easement known as Twin Lakes Drive is 57 feet wide and is more than adequate to serve the needs of the 4 or 5 families who utilize it for access to their homes on adjacent tracts off Twin Lakes Drive, Groveland, FL."

STAFF RECOMMENDATION

The applicant has submitted proof of meeting the intent of the LDR, has shown proof of a substantial hardship, and that principles of fairness have been violated. Therefore, staff recommends **approval** of the requested variance with the following conditions:

1. The newly created parcels shall not be further subdivided through an administrative lot split process.
2. Each parcel must contain a minimum of 10 net acres.
3. The private Bay Lake Road must be recorded as an easement in conjunction with the minor lot split development order.
4. The Bay Lake Road easement must be designed, constructed and maintained in such a condition as to allow clear access for emergency vehicles and in accordance with LDR Section 14.11.01.D.2.

WRITTEN COMMENTS FILED: Support: -0- Concern: -0- Oppose: -0-

ENVIRONMENTAL ISSUE: N/A

FLOODPLAIN: Flood Zone "X"

JOINT PLANNING AGREEMENT: N/A

WEKIVA RIVER PROTECTION AREA: N/A

LAKE APOPKA BASIN: N/A

TRANSPORTATION IMPROVEMENTS: N/A

GREEN SWAMP AREA OF CRITICAL STATE CONCERN: Yes

**Final Development Order
Paul and Cynthia Grimaldi
BOA #11-14-1**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Paul and Cynthia Grimaldi (the "Owners") made a request to allow a minor lot split parcel on the subject 33.06 acre parcel that has been previously split through the minor lot split process, which will not front on a paved publicly-maintained road; and

WHEREAS, the subject property consists of 33.06 acres +/- and is generally located in Groveland in Section 04, Township 23 South, Range 24 East, being composed of alternate key number 1505411 and is more particularly described as:

East 1065.84 feet of North 640.90 feet and East 979.57 feet of South 640.47 feet of North 1281.37 feet of South 1/2 of Northeast 1/4, that part of South 1/2 of Northeast 1/4 lying Easterly of Bay Lake Road and South of North 1281.37 feet, Section 04, Township 23 South, Range 24 East, Lake County, Florida.

AND, after giving Notice of Hearing on a variance petition to the Lake County Land Development Regulations, indicating that said petition would be presented to the Board of Adjustment of Lake County, Florida, on December 11, 2014; and

WHEREAS, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at the duly advertised public hearing; and

WHEREAS, on December 11, 2014, the Lake County Board of Adjustment approved the variance for the above property; and

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 11-14-1 to allow a 33.06-acre parcel to be split through the minor lot split process where the proposed new parcels do not front on an easement, in accordance with the following conditions:

1. The newly created parcels shall not be further subdivided through an administrative lot split process.
2. Each parcel must contain a minimum of 10 net acres.
3. The 57-foot wide private easement, known as Bay Lake Road, must be recorded in conjunction with the minor lot split development order.
4. The easement must be designed, constructed and maintained in such a condition as to allow clear access for emergency vehicles, in accordance with LDR Section 14.11.01.D.2.

Section 2. Severability: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 11th day of December, 2014.

EFFECTIVE December 11, 2014.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

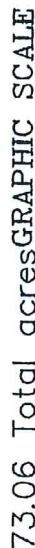
The foregoing instrument was acknowledged before me this December 11, 2014 by DONALD SCHREINER, who is personally known to me.
(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____

EXHIBIT #1



NOTES

1. BEARINGS BASED ON THE ASSUMED BEARING OF S.01°13'24"W. ALONG THE LEAST LINE OF SECTION 4.
2. ABOVEGROUND ENCROACHMENTS, IF ANY, AS SHOWN.
3. UNDERGROUND ENCROACHMENTS OR IMPROVEMENTS, IF ANY, NOT LOCATED.
4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MIGHT BE DISCLOSE BY A FULL AND ACCURATE TITLE SEARCH.
5. PROPERTY SHOWN HEREON LIES IN FLOOD ZONES "X" AND "A".

O: ANTHONIA GRIMALDI
NATIONAL BANK OF PASCO COUNTY
TITLE

☐ FOUND 4x4 CONCRETE MONUMENT UNMARKED

⊙ = SET # REBAR MARKED LB 6528

PATRICK M. KELLEY, P.L.S. FLORIDA SURVEYOR'S CERTIFICATE NO. 4423
THIS SURVEY DEFLECTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

Blackburn Surveying, Inc.

L.B. # 6528
1214 Bowman Street
Sunnyside Plaza
P.O. Box 121022
Clermont, Florida 34712
(352) 394-4417
Fax (352) 394-7058

SCALE: 1" = 300'	APPROVED BY: PMK	DRAWN BY PMK
DATE: 6/10/2003	FB/PAGE: 295	

4-23-24

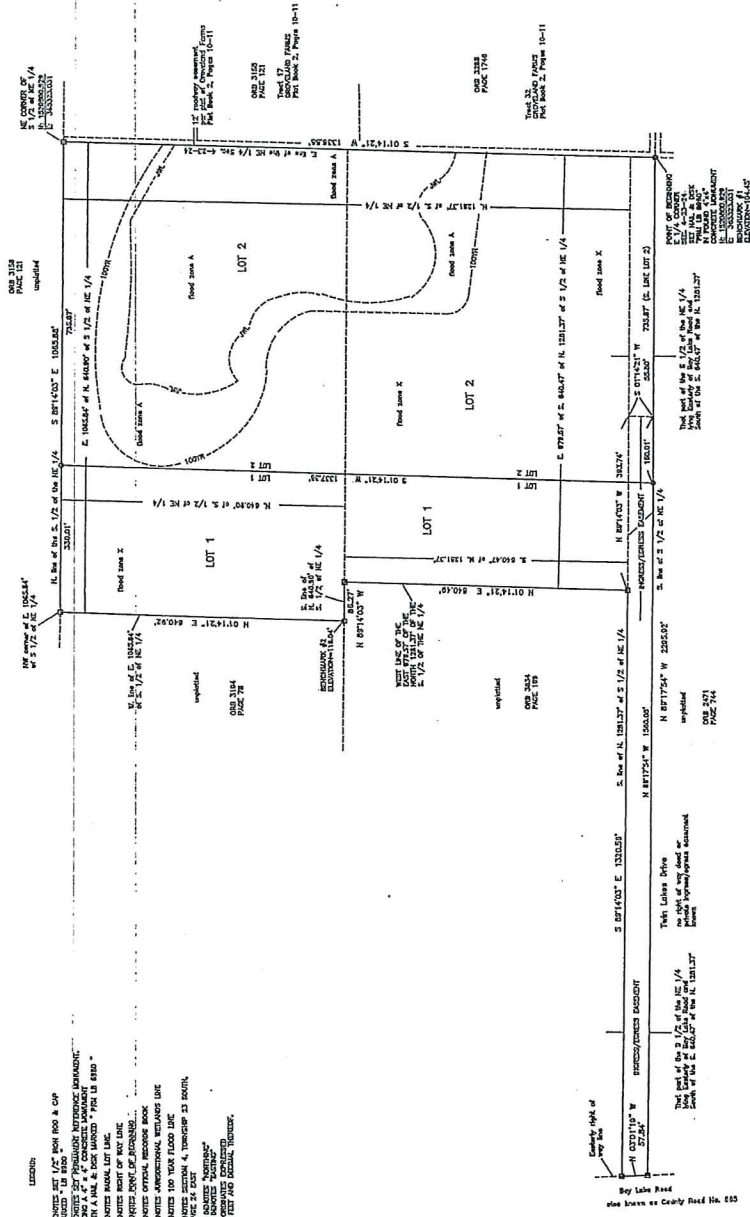
LAKE COUNTY, FLORIDA

PAGE NO. 1	DRAWING NO. BAY42324
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EXHIBIT#2

SHEET 2 OF 2

Twin Lakes Ranch
A portion of the Northeast 1/4 of Section 4, Township 23 South, Range 24 East, Lake County, Florida

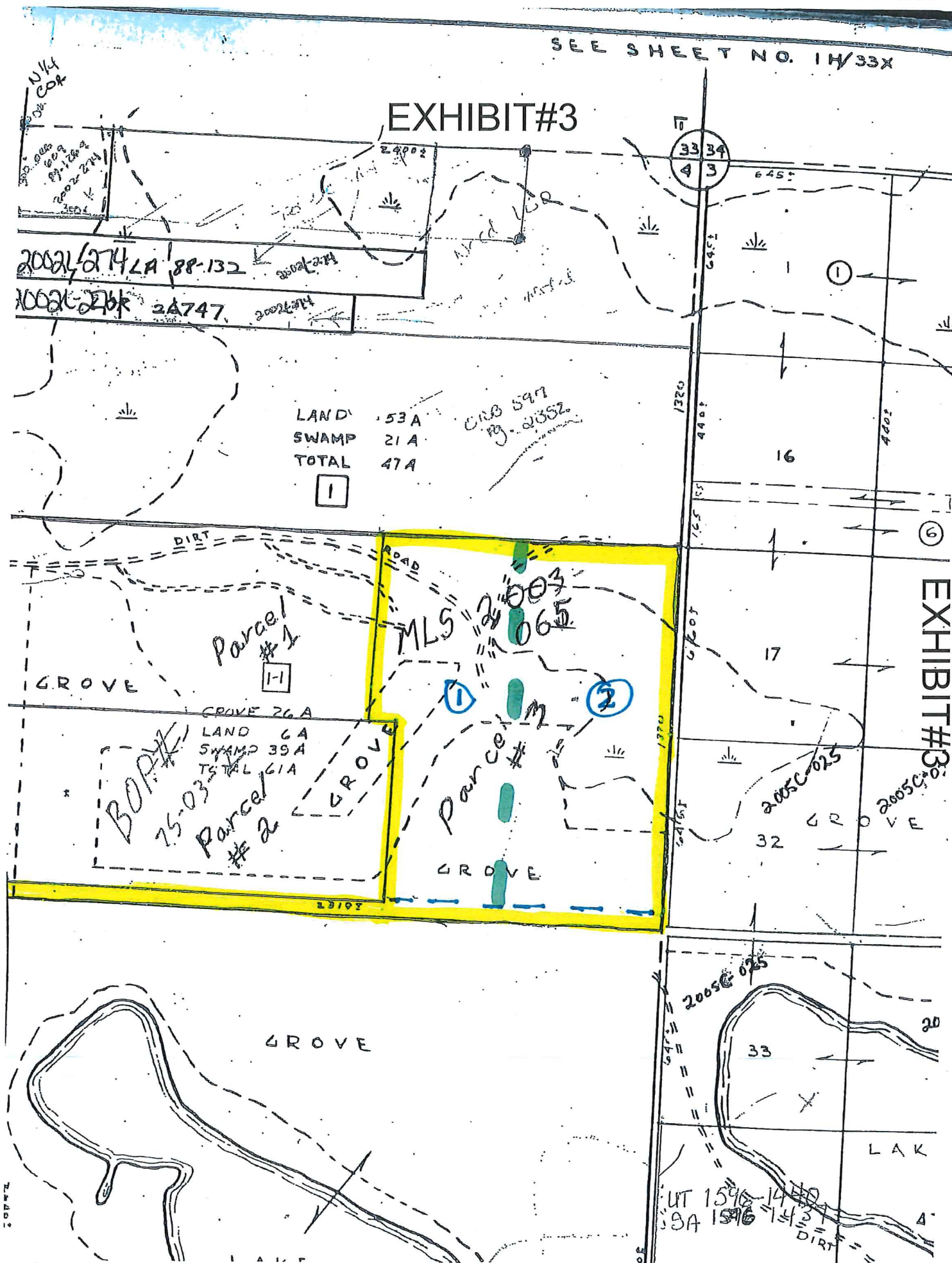


EXHIBIT#2

Prepared by: Surveyors, Inc. LB #0030
420 E. Broadway Ave.
Gainesville, FL 32601

SEE SHEET NO. 14/33X

EXHIBIT#3





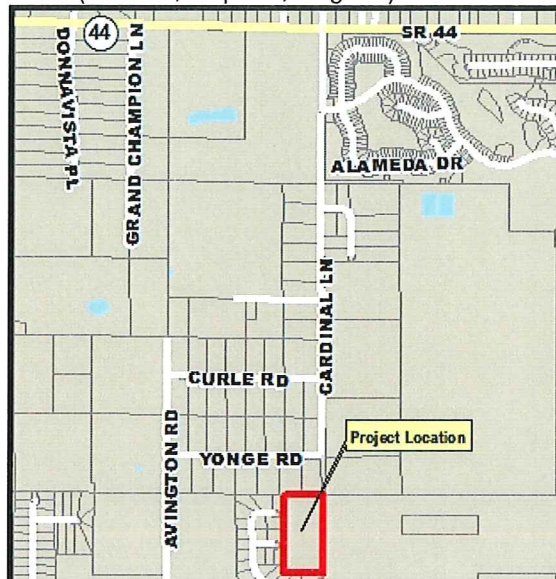
**VARIANCE REQUEST
BOARD OF ADJUSTMENT
December 11, 2014**

CASE NUMBER: BOA# 13-14-4
PROPERTY OWNER(S): Karla Sylvester
APPLICANT(S): Timothy P. Hoban, P.A

AGENDA ITEM #: 2

REQUESTED ACTION: The Property Owner requests a variance from the **Lake County Land Development Regulations 14.11.01.D.2 Minor Lot Splits** to allow the subject parcel to be split through the minor lot split process when the parcels being created will not front on a paved publicly maintained road (+/- 20 acres).

GENERAL LOCATION: Mount Dora area – State Road 44 and Cardinal Lane,
ALTERNATE KEY NUMBER: 3881391 (Sec. 23, Twp. 19, Rng. 27).



FUTURE LAND USE DESIGNATION: Rural Transition, Wekiva Study Area (Density - 1dwelling /5 net acres, max.)

EXISTING ZONING: Agriculture (Density – 1 dwelling/5 acres)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Rural Transition (1 du/5 acres) Wekiva Study Area	A (Agriculture) (1 du / 5 acres)	Single-family Dwelling Unit
South	Rural Transition (1 du/5 acres) Wekiva Study Area	R-1 (Rural Residential) (1 du / 1 acre)	Single-family Dwelling Unit
East	Rural Transition (1 du/5 acres) Wekiva Study Area	R-1 (Rural Residential) (1 du / 1 acre)	Agriculture
West	Rural Transition (1 du/5 acres) Wekiva Study Area	R-1 (Rural Residential) (1 du / 1 acre)	Single-family Dwelling Unit

Property Posting: 11/24/2014 (2)

14.15.01 Purpose of Variances. In the strict application of uniformly applicable Land Development Regulations (LDR), the Board of County Commissioners (BCC) finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the LDR. The Board of Adjustment (BOA) is authorized to grant variances to requirements of the LDR when its application leads to unreasonable, unfair, and unintended results to the development and use of land. However, the variance must be consistent with the rules contained in these regulations. This Section does not authorize the BOA to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to allow uses not generally permitted in the applicable zoning district or any use expressly or by implication, prohibited by the terms of the LDR for that zoning district. Additionally, the existence of nonconforming use of neighboring lands or unpermitted use of neighboring lands shall not be considered grounds for authorization of a variance.

14.15.02 Granting Variances and Appeals

Variances may be granted when the person subject to the LDR demonstrates that the purpose of the LDR will be or has been achieved by other means, and when application of a LDR would create a substantial hardship or would violate principles of fairness.

For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. The "principles of fairness" are violated when the literal application of a LDR affects a particular person in a manner significantly different from the way it affects other similarly situated persons or properties who are subject to the LDR.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

ANALYSIS: The Owner is requesting a variance to Land Development Regulations (LDR) Section 14.11.01.D.2 for Minor Lot Splits. This LDR provision allows the creation of two (2) lots from the originally created parcel that will front on a publicly maintained paved road. The minor lot split process was created to allow a parent parcel to be split, creating two parcels fronting on a publicly-maintained paved road (less than 20 acres in size). The intent of the LDR Section 14.11.01.D.2 is to ensure that properties being split have the facilities that are required for the development of parcels such as roads, schools, parks, fire, sewer and water facilities.

The Owner proposes to split a twenty (20) acre parent parcel into two (2) ten-acre parcels where each parcel will front on a 41-foot wide easement.

The parcel is zoned Agriculture, with the Rural Transition Future Land Use Category, which is located within the Wekiva Study Area. Both the zoning district and land use category require a density of one dwelling unit per five-net acres.

The parent parcel is approximately 660 feet wide and approximately 1320 feet long. A copy of the survey is attached (Exhibit #1). The newly created parcels would meet the minimum lot frontage of 150-feet for Agriculture zoned lots pursuant to LDR Section 3.10.00.

The Federal Emergency Management Agency (FEMA) map shows that the parcel is located within 100-year flood zone, designed as zone "A".

APPLICANT HARDSHIP JUSTIFICATION

The Owner submitted the following justification to meet the **intent of the Code**:

"Two parcels that are each ten acres are more in character with the surrounding properties. Our property is 20 acres. Our neighbors to our west and south have one acre lots. Our neighbors to our north have five acre lots. Our neighbor to our east owns 210 acres. One day, when Senese, LLC subdivides its property, its lots will be smaller than or equal to 10 acres. A principle of land use law is that abutting lots should be compatible with each other. If our 20 acre property is permitted to be subdivided, then our two 10 acre lots will be more compatible with our neighbors' lots. Today, we are a 20 acre island surrounded by 1-5 acre lots"

PRINCIPALS OF FAIRNESS

The applicant submitted the following as evidence that the application of the LDR would create a **substantial hardship or would violate principles of fairness**:

"A 20 acre parcel is out of character with the surrounding properties."

STAFF RECOMMENDATION

The Owner has submitted proof of meeting the intent of the LDR, has shown proof of a substantial hardship, and that principles of fairness have been violated. Therefore, staff recommends **approval** of the requested variance with the following **conditions**:

1. The proposed easement must be designed, constructed and maintained in such a condition as to allow clear access for emergency vehicles.
2. The proposed easement must be recorded in conjunction with the minor lot split development order.

WRITTEN COMMENTS FILED: Support: -0- Concern: -0- Oppose: -0-

ENVIRONMENTAL ISSUE: N/A

FLOODPLAIN: Flood Zone "A"

JOINT PLANNING AGREEMENT: N/A

WEKIVA RIVER PROTECTION AREA: Yes

LAKE APOPKA BASIN: N/A

TRANSPORTATION IMPROVEMENTS: N/A

GREEN SWAMP AREA OF CRITICAL STATE CONCERN: N/A

**Final Development Order
Karla Sylvester
BOA #13-14-4**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Karla Sylvester (the "Owner") made a request to allow a 20 acre parcel to be split through the minor lot split parcel where the proposed new parcels will not front on a publicly maintained paved road but instead will front on an forty-one (41) foot wide easement; and

WHEREAS, the subject property consists of 20 acres +/- and is generally located in Mount Dora in Section 23, Township 19 South, Range 27 East, being composed of alternate key number 3881391 and is more particularly described as:

The East ½ of the Northeast ¼ of the Northeast ¼, Section 23, Township 19 South, Range 27 East, Lake County, Florida.

AND, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on December 11, 2014; and

WHEREAS, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on December 11, 2014, the Lake County Board of Adjustment approved the variance for the above property; and

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 13-14-4 to allow a 20-acre parcel to be split through the minor lot split process where the proposed new parcels will not front on an easement, in accordance with the following **conditions**:

1. The proposed forty-one (41) foot wide easement must be designed, constructed and maintained in such a condition as to allow clear access for emergency vehicles.
2. The proposed easement must be recorded in conjunction with the minor lot split development order.

Section 2. Severability: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 11th day of December, 2014.

EFFECTIVE December 11, 2014.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this December 11, 2014 by DONALD SCHREINER,
who is personally known to me.
(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____